

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>KAE/B2/03</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/ IB 03/ 01403</b>	International filing date (day/month/year) <b>10/03/2003</b>	(Earliest) Priority Date (day/month/year) <b>08/03/2002</b>
Applicant <b>KAERYS S.A.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of **X** sheets.

It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :
  - contained in the international application in written form.
  - filed together with the international application in computer readable form.
  - furnished subsequently to this Authority in written form.
  - furnished subsequently to this Authority in computer readable form.
  - the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
  - the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2.  **Certain claims were found unsearchable (See Box I).**

3.  **Unity of invention is lacking (see Box II).**

4. With regard to the **title**,

- the text is approved as submitted by the applicant.
- the text has been established by this Authority to read as follows:

**A BREATHING APPARATUS WITH COMPUTATION OF THE AIRFLOW PROVIDED TO THE PATIENT USING ONLY PRESSURE SENSORS**

5. With regard to the **abstract**,

- the text is approved as submitted by the applicant.
- the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

- as suggested by the applicant.
- because the applicant failed to suggest a figure.
- because this figure better characterizes the invention.

**1**

- None of the figures.

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/IB 03/01403

## Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

The invention concerns an apparatus (1) to assist patient respiration by delivering air to a patient through a mask, said mask being designed to be connected on one first extremity of a tube (20), said apparatus (1) comprising:

- a control unit (2) to adjust the pressure delivered by the blower (4) of said apparatus (1),
- a first pressure sensor (6) for sensing the pressure PM at said first tube extremity and being connected to said control unit (2), and
- a second pressure sensor (8) for sensing the pressure PB at the air output of said blower (4) and being connected to said control unit (2);

in order that, when a tube (20) is connected to said mask and connected to said apparatus (1) on its said second extremity, the air flowing from the apparatus (1) to the mask, said control unit (2) is able to calculate the airflow at said second extremity of the tube (20) from said pressures PM and PB and from the airflow resistance coefficient  $K_f$  of said tube (20).

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 A61M16/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 1 177 810 A (SAIME SARL) 6 February 2002 (2002-02-06) paragraph '0044! - paragraph '0045!; figure 2 ---	1,2
A	EP 1 166 813 A (SIEMENS ELEMA AB) 2 January 2002 (2002-01-02) abstract; figures ---	1-19
A	EP 0 821 976 A (SIEMENS ELEMA AB) 4 February 1998 (1998-02-04) abstract; figures ---	1-19
A	WO 98 57691 A (MARTIN DION CHARLES CHEWE ;RESMED LTD (AU); KENYON BARTON JOHN (AU) 23 December 1998 (1998-12-23) abstract; figures ---	1-19
	-/-	

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

\* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*&\* document member of the same patent family

Date of the actual completion of the international search

3 September 2003

Date of mailing of the international search report

01/10/2003

Name and mailing address of the ISA

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Valfort, C

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 92 11054 A (PURITAN BENNETT CORP) 9 July 1992 (1992-07-09) abstract; figures ---	1-19
P, X	WO 02 053217 A (WICKHAM NICOLA FRANCES EF ;RESMED LTD (AU)) 11 July 2002 (2002-07-11) page 11, line 1 - line 5 page 16, line 5 -page 17, line 20 page 18, line 5 -page 19, line 14; figures 1-3 -----	1-4
A		5-19

## Information on patent family members

International Application No

PCT/IB 03/01403

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
EP 1177810	A	06-02-2002	FR EP JP US	2812203 A1 1177810 A1 2002119595 A 2002014239 A1		01-02-2002 06-02-2002 23-04-2002 07-02-2002
EP 1166813	A	02-01-2002	EP JP US	1166813 A2 2002143309 A 2002020410 A1		02-01-2002 21-05-2002 21-02-2002
EP 0821976	A	04-02-1998	EP JP US	0821976 A1 10071205 A 5878744 A		04-02-1998 17-03-1998 09-03-1999
WO 9857691	A	23-12-1998	AU	745216 B2 7197898 A 7898998 A 9857691 A1 0989875 A1 2002503998 T 6397841 B1		14-03-2002 24-12-1998 04-01-1999 23-12-1998 05-04-2000 05-02-2002 04-06-2002
WO 9211054	A	09-07-1992	US AT AU AU AU AU AU AU CA CA DE DE DK EP EP ES JP JP WO US US US US	5134995 A 190230 T 686034 B2 4071195 A 6371798 A 663054 B2 8215491 A 2097502 A1 2206784 A1 69132030 D1 69132030 T2 563044 T3 0563044 A1 0968734 A2 2145739 T3 2927958 B2 6503484 T 9211054 A1 5549106 A 5794614 A 5845636 A 5259373 A		04-08-1992 15-03-2000 29-01-1998 18-04-1996 30-07-1998 28-09-1995 22-07-1992 22-06-1992 22-06-1992 13-04-2000 19-10-2000 14-08-2000 06-10-1993 05-01-2000 16-07-2000 28-07-1999 21-04-1994 09-07-1992 27-08-1996 18-08-1998 08-12-1998 09-11-1993
WO 02053217	A	11-07-2002	WO	02053217 A1		11-07-2002

# NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

## INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

### What parts of the International application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been /is filed, see below.

### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the International application is to be published.

### What documents must/may accompany the amendments?

#### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the International application is English, the letter must be in English; if the language of the International application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

**The following examples illustrate the manner in which amendments must be explained in the accompanying letter:**

1. [Where originally there were 48 claims and after amendment of some claims there are 51]: "Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]: "Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]: "Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or "Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]: "Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.